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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)	
1259-0191P	

Application Number	Filed
08/841,318-Conf. #3061	April 30, 1997
First Named Inventor: Kouki HATAKEYAMA	
Art Unit: 2622	Examiner: N. G. Giles

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant /inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [x] attorney or agent of record. Registration number 40,439
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____

Carolyn T. Baumgardner #41,345
Signature

for D. Richard Anderson
Typed or printed name

(703) 205-8035
Telephone number

February 22, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of 1 forms are submitted.

PATENT
1259-0191P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:	Kouki HATAKEYAMA	Confirmation No.: 3061
Appl. No.:	08/841,318	Group Art Unit: 2622
Filed:	April 30, 1997	Examiner: N. G. Giles
For:	A METHOD OF CONTROLLING THE DISPLAY MODE AND THE RECORDING MODE OF AN ELECTRONIC STILL CAMERA	

REQUEST FOR A PRE-APPEAL BRIEF CONFERENCE

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 22, 2007

Sir:

INTRODUCTORY COMMENTS

Applicant respectfully requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed concurrently with a Notice of Appeal.

The review is being requested for the reasons set forth on the attached five (5) Sheets.

ARGUMENTS

Applicant respectfully submits that the Examiner has made the following clear error:

(1) The Examiner has made clear errors in interpreting and applying the prior art in rejecting claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,847,756 to Iura et. al (hereafter Iura) in view of U.S. Patent No. 4,837,628 to Sasaki (hereafter Sasaki) and further in view of U.S. Patent No. 4,054,915 to Sugihara (hereafter Sugihara) and further in view of U.S. Patent No. 5,508,739 to Suh (hereafter Suh).

The Examiner has Failed to Establish Prima Facie Obviousness by Failing to Provide References that Teach or Suggest All of the Claim Elements

Applicant respectfully submits that the Examiner has made a clear error in interpreting and applying the prior art.

For example, with regards to independent claims 1 and 5, the Examiner concedes that each of Iura, Sasaki and Sugihara fail to teach or suggest subjecting a white balance process to the field image signals in a white balance circuit and outputting integrated values of the field images from the white balance circuit in an integrated circuit, and further detecting the signal levels based on the integrated signals. However, in an attempt to show this feature, the Examiner imports Suh. (see final Office Action, page 6). Applicant maintains that the teachings of Suh is insufficient to make obvious the present invention at least because Suh also fails to teach or suggest the above-noted feature.

For example, Applicant respectfully submits that Suh merely discloses a white balance adjusting apparatus for a video camera that includes various elements including: a latch circuit 20 for holding integrated values IR/IG and IB/IG obtained at a divide circuit 13, and a comparing circuit 23 serially connected between the divide circuit 13 and a computation circuit 16 for comparing integration values ratios outputted at the latch circuit 20. (see Suh, Fig. 4 and col. 4, lines 45-55). In other words, Suh's white balance adjusting apparatus apparently includes an integration circuit 9 and processes the integration value ratios IR/IG and IB/IG obtained therein. As such, contrary to the Examiner's beliefs, Suh fails to disclose outputting integrated values of

the field images from the white balance circuit into an integrated circuit, as set forth in the claimed invention. In other words, Suh fails to teach or suggest taking field images from the white balance circuit (i.e., an output of the white balance circuit) and integrating them in an integration circuit because Suh's integration circuit is an integral part of its white balance apparatus. As such, Suh fails to take an output of the white balance circuit and perform integration on the outputted field image signals, as claimed and shown in applicant's Fig. 1 elements 9, 11 and 12, for example.

The Examiner alleges in the Advisory Action's comments that Suh integrates the R, G, and B signals in order to obtain R-Y and B-Y signals. (see Continuation Sheet, page 2). Applicant respectfully submits that this is a gross mischaracterization of Suh, because Suh fails to designate R-Y and B-Y as integrated signals. Instead, Suh clearly states that R-Y and B-Y are merely color difference signals. (see Suh, col. 3, lines 15-19).

Suh's Fig. 1 and Fig. 4 are both white balance adjusting apparatuses which include an integration circuit 9 for computing the integration values IR, IG, and IB obtained by integrating the primary color signal outputted from the first operation circuit 4 for a time of a field. (see Suh, col. 1, lines 36-39). In other words, during the white balance process, Suh integrates the output of the first operation circuit 4. However, Suh fails to integrate the field images outputted from the white balance circuit, as set forth in the present invention.

As a result, Applicant respectfully submits that Suh fails to teach or suggest the above noted features *in the manner claimed* and thus fails to make up for the deficiencies noted in each of Iura, Sasaki and Sugihara. Instead, Suh merely discloses a white balance apparatus that includes a dividing circuit for integrating a color signal and for computing an integration value ratio. Thus, in Suh, integration of the image signals is performed during the white balance adjustment process.

For at least the reasons noted above, applicant respectfully submits that contrary to the Examiner's beliefs, Suh fails to make up for the deficiencies found in each of Iura, Sasaki and Sugihara.

Furthermore, the Examiner alleges that Sasaki discloses subjecting a gradation correction in a gamma circuit. (see final Office Action, page 7). Applicant respectfully disagrees with this allegation.

For example, in the present invention the method subjects an output of the white balance circuit to a gradation correction in a γ-circuit. Given that Sasaki fails to even disclose a white balance circuit, it goes to follow that Sasaki cannot possibly disclose subjecting an output of the white balance circuit to a gradation correction in a γ-circuit.

Applicant respectfully submits that the Examiner is merely using a piecemeal approach to rejecting the present invention without considering the claim in its entirety. None of the references cited teach or suggest the above noted features, *in the manner claimed.* Applicant respectfully submits that the Examiner is merely pointing to individual components in the references and trying to associate such components to the overall claimed invention without properly establishing that it is obvious to combine the components *in the manner claimed.*

For example, Applicant respectfully submits that neither Iura, Sasaki, Sugihara nor Suh, taken singularly or in combination, (assuming these teachings may be combined, which applicant does not admit) teach or suggest using an integration circuit to output integrated values of the field images from the white balance circuit, whereby the subjecting a white balance process to the field image signals consisted of separated red, blue and green signals in a white balance circuit, wherein the white balance process adjusts the signal levels of a blue image signal and a red image signal to a signal level of a green image signal so that a ratio of blue to green and a ratio of red to green is maintained constant.

Because the Examiner has failed to provide references that teach or suggest *all* of the claim elements, namely, (1) outputting integrated values of said field images from said white balance circuit in an integrated circuit, and (2) subjecting an output of the white balance circuit to a gradation correction in a γ-circuit, as recited in claims 1 and 5, the Examiner has failed to satisfy the burden under 35 U.S.C. § 103.

Because Suh (and Sasaki) fails to make up for the conceded deficiencies of the other cited references, independent claims 1 and 5 are allowable over the cited combination of art.

Conclusion

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview**.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: February 22, 2007

Respectfully submitted,

#41,345

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